Supreme Court, U. S.
FILED
MAY 14 1979
MICHAEL RODAK, JR., CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1978

No. 78-1718

JULIUS ROSE,

Plaintiff,

v.

JIMMY CARTER,
President of the United States, *et al.*,

Defendants.

PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT

JULIUS ROSE
Box 188
Richland, New Jersey
08350

Plaintiff, pro se.

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IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1978

No.

JULIUS ROSE,

Plaintiff,

v.

JIMMY CARTER,
President of the United States, *et al.*, [1]

Defendants.

PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT

I, JULIUS ROSE, Plaintiff, *pro se*, hereby petition the Supreme Court of the United States for a Writ of Certiorari. The underlying facts are the following:

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[1] Defendants include: The President, the Secretaries of the Departments of Housing and Urban Development, Health, Education and Welfare, Agriculture, Energy, Labor, Defense, and the Director of the Defense Civil Preparedness Agency.

I

Preliminary Statement

At issue is the support sought by Plaintiff for a proposed CIVIL DEFENSE EXHIBITION to aquaint the people with carefully worked-out survival methods, the latest life-saving devices and new techniques, as well as with Project SURVIVAL TOWN -- an effective and viable civil defense system developed by Plaintiff at considerable cost to himself, and which is the result of many years of hard labor.

II

Dates of Court Rulings

Order of the District Court was filed Nov. 22, 1978. Order of the Court of Appeals was filed April 6, 1979. Order denying motion for reconsideration was filed April 19, 1979.

III

Ground on which Jurisdiction is Invoked

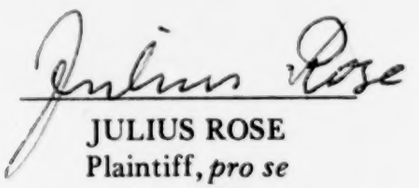
As no motion was lodged with the District Court for the dismissal of the entire action, and as no hearing was held, the Order of the District Court must be considered as having been arrived at capriciously.

IV

Argument

The dissimination of available civil defense and survival information is a vital, urgent, quite obvious and morally imperative necessity -- which can only be met through a widely supported SURVIVAL FAIR and CIVIL DEFENSE EXHIBITION.

WHEREFORE, by reason of the afore-stated facts, and upon the submitted records in this action, a Writ of Certiorari is respectfully petitioned for.



JULIUS ROSE
Plaintiff, *pro se*
Box 188
Richland, N.J. 08350

May 15, 1979.

APPENDIX

APPENDIX

[Filed Nov. 22, 1978]

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

Civil Action No. 78-2011

Julius Rose,

Plaintiff,

v.

Jimmy Carter, et al.,

Defendants.

ORDER

The United States Attorney for the District of Columbia, as *amicus curiae*, having filed a suggestion for dismissal of this action against the Honorable Jimmy Carter, President of the United States of America, and the Court having considered the complaint and the suggestion and being fully advised in the premises, it is this 20th day of November, 1978,

ORDERED That the suggestion of the United States Attorney be adopted and this Court hereby (a) directs the United States Marshall to withhold service of the summons and complaint upon the Honorable Jimmy Carter, President of the United States of America; (b) quashes such process as to the President; and (c) dismisses this action as to the President; and it is

FURTHER ORDERED That this action be, and it hereby is dismissed as to all defendants pursuant to Rule 12(h) (3), F.R.Civ.P., as frivolous and as failing to state a

claim as to which this Court has subject matter jurisdiction.

/s/ Harold H. Greene

Harold H. Greene
United States District Judge

November 20, 1978

[Filed Apr. 6, 1979]

UNITED STATES COURT OF APPEALS
for the District of Columbia Circuit

September Term, 1978

No. 79-1005

Civil Action No. 78-2011

Julius Rose,
Appellant

v.

Jimmy Carter, President,
USA, et al.

BEFORE: Wright, Chief Judge; Leventhal and Robinson, Circuit Judges

ORDER

On consideration of appellees' unopposed motion for summary affirmance, it is

ORDERED by the Court that the aforesaid motion is granted.

Per Curiam

Circuit Judge Robinson did not participate in this order.

[Filed Apr. 19, 1979]

UNITED STATES COURT OF APPEALS
For the District of Columbia Circuit

September Term, 1979

No. 79-1005

Civil Action 78-2011

Julius Rose,
Appellant

v

Jimmy Carter, President, USA,
et al.

BEFORE: Wright, Chief Judge & Leventhal,
Circuit Judge

ORDER

On consideration of appellant's *pro se* motion for reconsideration, filed April 11, 1979, it is

ORDERED by the Court that the aforesaid motion for reconsideration is denied.

Per Curiam
FOR THE COURT:
George A. Fisher, Clerk

By: /s/ Robert A. Bonner
Robert A. Bonner
Chief Deputy Clerk